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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,721	11/25/2003	Martin Kappes	503042-A-01-US (Kappes)	5762
47702 7590 12/16/2008 RYAN, MASON & LEWIS, LLP 1300 POST ROAD SUITE 205 FAIRFIELD, CT 06824			EXAMINER BIAGINI, CHRISTOPHER D	
			ART UNIT 2442	PAPER NUMBER
			MAIL DATE 12/16/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/721,721	KAPPES ET AL.	
	Examiner	Art Unit	
	Christopher Biagini	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/7/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the rejection(s) of claim(s) 1-13 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 9 recite the limitation directed to "providing a result of said evaluation," but the claims each recite two "evaluating" steps. It is unclear to which evaluation step this limitation is intended to refer.

Claims 2-5 each recite a limitation directed to "said determining step," but there is insufficient antecedent basis for these limitations.

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Claims 6-8 each recite a limitation directed to “said evaluating step,” but claim 1 recites two “evaluating” steps. It is unclear to which evaluation step these limitations are intended to refer.

Any claim not specifically addressed above is rejected at least for incorporating the deficiencies of a claim upon which it depends.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 7, 9, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Aura (US Pub. No. 2003/0166397).

Regarding claim 1, note that the preamble has been given patentable weight, as it is relied upon by the body of the claim.

Aura shows a method for authenticating a device (comprising a mobile node) connecting to a first network (comprising the network provided by “base station 2,” such as a wireless network: see [0016]-[0017]), comprising:

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- evaluating a history of one or more previously terminated connections of said device to at least one other network (comprising examining trust parameters in a credential, which indicate, for example, the time at which a device was last authenticated by another network: see [0017], [0048], and [0078]);
- evaluating an integrity of data content of said device based on said history (comprising determining if a credential is valid based on the time it was granted: see [0080] and [0084]); and
- providing a result of said evaluation (comprising allowing or disallowing the device to use the network: see [0030]).

Regarding claim 7, Aura further shows wherein a scope of said evaluating step is based on one or more defined content authentication rules (comprising policies: see [0086]).

Claims 9 and 13 correspond to claims 1 and 7 and are rejected for the same reasons as given above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2, 3, 6, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aura (US Pub. No. 2003/0166397) in view of Jemes (US Pub No. 2001/0042213).

Regarding claim 2, Aura shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one untrusted network.

Jemes shows determining if a device (comprising a device in a “known bubble”) connected to at least one untrusted network (comprising connecting to a device in an “unknown bubble”, whose integrity cannot be verified). See paragraphs [0033] and [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Aura with the network determination of Jemes in order to enforce security policies when connecting to untrusted networks.

Regarding claim 3, Aura shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of determining if said device connected to at least one unknown network.

Jemes shows determining if a device (comprising a device in a “known bubble”) connected to at least one unknown network (comprising connecting to a device in an “unknown bubble”). See paragraph [0040].

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Aura with the network determination of Jemes in order to enforce security policies when connecting to unknown networks.

Regarding claim 6, Aura shows the limitations of claim 1 as applied above, but does not show wherein a scope of said evaluating step is based on properties of said at least one other network.

Jemes shows wherein a scope of an evaluating step for a first network is based on properties (the properties comprising security policies) of at least one other network (comprising evaluating security policies for bubbles 20a and 30a).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Aura with the evaluation system of Jemes in order to ensure that policies at network control points are consistent and error free (see Jemes, [0015]).

Claim 12 is an apparatus claim corresponding to claim 6 and is rejected for the same reasons as given above.

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aura (US Pub. No. 2003/0166397) in view of Noguchi (US Pub. No. 2003/0005333).

Regarding claim 4, Aura shows the limitations of claim 1 as applied above, and further shows "preventing undetected modification" of the credential, but does not *explicitly* show wherein said determining step further comprises the step of determining if a token on said device has been altered.

Noguchi shows determining if a token on a device has been altered (see [0019]-[0020]).

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It would have been obvious to one of ordinary skill to modify the system of Aura with the token authorization and alteration detection taught by Noguchi in order to achieve the predictable result of preventing clients with forged credentials from gaining access to the network.

Claim 10 corresponds to claim 4 and is rejected for the same reasons as given above.

Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aura (US Pub. No. 2003/0166397) in view of Manchin (US Pub No. 2004/0049567).

Regarding claim 5, Aura shows the limitations of claim 1 as applied above, but does not show wherein said determining step further comprises the step of logging an address of each network that said device accessed.

Manchin shows logging the address of networks that a device accesses (see [0123]).

It would have been obvious to one of ordinary skill in the art to further modify the system of Aura to log network addresses as taught by Manchin in order to provide a record of the device's activities for later review by administrative personnel.

Regarding claim 11, Aura shows the limitations of claim 9 as applied above, but does not show evaluating a log of addresses of each network that said device accessed.

Manchin shows evaluating a log of addresses of each network that a device accessed (see [0136]).

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It would have been obvious to one of ordinary skill in the art to further modify the system of Aura to evaluate logs of network addresses as taught by Manchin in order to provide an alert when the network address of the device changes (see [0136]-[0137]).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aura (US Pub. No. 2003/0166397) in view of Hoene (US PG-Pub No. 2002/0199116).

Aura shows the limitations of claim 1 as applied above, but does not show wherein said evaluating step further comprises the step of performing a virus scan.

Hoene shows wherein an evaluating step comprises performing a virus scan (see [0029]-[0030]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system of Aura with the virus scan of Hoene in order to prevent devices which may be infected from gaining access to the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Biagini whose telephone number is (571) 272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit
2442

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